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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,362	08/05/2003	Rob Falke	40055-0001	8884
20480	7590	08/19/2005	EXAMINER	
STEVEN L. NICHOLS RADER, FISHMAN & GRAVER PLLC 10653 S. RIVER FRONT PARKWAY SUITE 150 SOUTH JORDAN, UT 84095			WILKENS, JANET MARIE	
			ART UNIT	PAPER NUMBER
			3637	
DATE MAILED: 08/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/635,362	FALKE, ROB	
	Examiner	Art Unit	
	Janet M. Wilkens	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 16-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/5/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election without traverse of Group I (claims 1-15) in the reply filed on August 5, 2005 is acknowledged.

Claims 16-27 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 5, 2005.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 615.

The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 107 and 903.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b), are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37

Art Unit: 3637

CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

(Namely, it is improper to have the phrase "The present invention" in the abstract.)

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claims 5 and 7, "said moving said member" and

Art Unit: 3637

"said exposed position" lacks antecedent basis. Note: these features are first disclosed in claim 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Vadnai. Vadnai teaches a piece of furniture (Fig. 1) with drawers (35-38) and a shelf (40). The drawers include writing (56,57) on planks/bottoms thereof separated into columns and rows via dividers/markings (50-52). The method steps of the claims would inherently be provided for by Vadnai since the final results, e.g. permanent writings on the drawer planks/bottoms, are clearly shown. The writings could inherently be added onto the drawers before or during use of the piece of furniture, depending on the desired need of the person using/designing the piece of furniture. The writings being inherently protected from outside elements when the drawers are in their closed positions. Articles/memorabilia (Figs. 10-17) associated with the writings can be stored in the drawers on top of the writings. Furthermore, the event being commemorated being the simulation of going to/working for a post office.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by McClintock. McClintock teaches a piece of furniture (Fig. 1) with drawers (4). The drawers include

Art Unit: 3637

writings on tablets (18) thereof separated into columns and rows (Note: both the tablets and drawers can be considered as part of the members). The method steps of the claims would inherently be provided for by McClintock since the final results, e.g. permanent writings on the drawer tablets, are clearly shown. The writings could inherently be added onto the tablets before or during use of the piece of furniture, depending on the desired need of the person using/designing the piece of furniture. The writings being inherently protected from outside elements when the drawers are in their closed positions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vadnai. As stated above, Vadnai teaches the limitations of claims 1-3, 8 and 9, including drawers with writings thereon. For claims 10 and 11, Vadnai fails to teach that the writings specifically include signatures and/or dates. The examiner takes Official notice that personalized pieces of furniture are well known in the art. This would include the signature of the designer of the piece of furniture or the signature of the owner (designating his personal belongings) and the date on which the piece was made or acquired. Therefore, it would have been obvious to one having ordinary skill in the art

Art Unit: 3637

at the time of the invention to modify one or more of the drawers of Vadnai by adding a signature and/or date thereon, for the reasons stated above.

For claim 12, Vadnai fails to specifically teach how the writings are added onto the drawers. The material used for the construction of the piece of furniture of Vadnai is open to the individual designer (the cross hatching shows that metal is used, but the specification leaves the material used open to desired choice). The examiner takes Official notice that wood, metal and plastic are known materials to use for construction of a piece of furniture and that the use of carving, wood burning, etching, brush marking, imprinting or stamping to add writing/decorative features thereon is also well known in the art. Therefore, it would have been an obvious design consideration to one of ordinary skill in the art at the time of the invention to use any of a number of different materials for the piece of furniture of Vadnai and any of a number of techniques to add the writings on/in the drawers thereof, depending on the desired need of the person constructing the piece of furniture, e.g. depending on personnel preferences, material/writing means readily available, etc.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vadnai in view of Yemini. As stated above, Vadnai teaches the limitations of claims 1 and 2, including drawers with writings and markings thereon. For claims 14 and 15, Vadnai fails to teach that the markings include grooves. Yemini teaches markings/dividers positioned into grooves (74,78). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the drawers of Vadnai by adding grooves thereon, such as is taught by Yemini, to provide insertion

points/seats for the dividers and a means to allow the dividers to be securely held inside the drawer yet still be removable. Note: both the dividers and grooves inherently providing guides for the locations of the writings.

Claims 2-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClintock in view of O'Connor. As stated above, McClintock teaches the limitations of claim 1, including drawers with writings/tablets thereon. For claim 2, McClintock fails to teach that the tablets specifically include markings thereon. O'Connor teaches the use of markings/lines (25) on a writing surface. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the tablets of McClintock by adding markings/lines thereon, such as is taught by O'Connor, to provide guide lines on the tablet leaves.

For claims 10 and 11, McClintock fails to teach that the writings specifically include signatures and/or dates. McClintock does teach that the writings commemorate properties information. Therefore, signatures and dates could very well be part of the information collected and/or provided. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include writings/information, such as dates and signatures, on the tablets of McClintock, depending on the information legally desired/required, etc.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClintock. As stated above, McClintock teaches the limitations of claim 1, including drawers with writings/tablets thereon. For claim 12, McClintock fails to teach that the writings specifically include stamps. McClintock does teach that the writings

Art Unit: 3637


commemorate properties information. Therefore, notary stamps could very well be part of the information collected and/or provided. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include notary stamps as part of the writings on the tablets of McClintock, depending on the information legally desired/required, etc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wilkens
August 17, 2005


JANET M. WILKENS
PRIMARY EXAMINER
12-10-23637